

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH JOHN HOWARD,

Defendant.

CR 20-91-BLG-DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered his Findings and Recommendation on October 20, 2020. (Doc. 23.) As neither party objected, they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnel Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that the Court accept Kenneth John Howard’s guilty plea after Howard appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to being a prohibited person in

possession of a firearm, in violation of 18 U.S.C. § 922(g)(3), as charged in the Indictment.

Finding no clear error, IT IS ORDERED that the Court ADOPTS the Findings and Recommendation (Doc. 23) IN FULL.

IT IS FURTHER ORDERED that Kenneth John Howard's motion to change plea (Doc. 16) is GRANTED, and Kenneth John Howard is adjudged guilty as charged in the Indictment.

DATED this 4th day of November, 2020.



Dana L. Christensen, District Judge
United States District Court